S.B. CIVIL WRIT PETITION NO.1357/2005
Sajan Kanwar
VS
Narayan Singh & Ors.

DATE OF ORDER 14.3.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. I.R.Choudhary, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 12th Oct., 2004 by which the petitioner's objection petition filed under Section 47 of the Civil Procedure Code was dismissed by the executing court holding that the objections raised by the petitioner are the pre-decree matter and cannot be entertained by the executing court.

After going through the facts of this case, this court is also of the opinion that the executing court has not committed any error of fact or law.

Learned counsel for the petitioner admitted that the appeal against the final decree is pending before the appellate court. If it is so, then the petitioner may pursue his appeal and this is also not a ground for granting any relief to the petitioner under Section 47 of the

CPC.

In view of the above, I do not find any merit in this writ petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-